

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:17-CV-00550-GCM**

TIMOTION USA, INC.,

Plaintiff,

v.

ODDELLO INDUSTRIES, LLC,

Defendant.

ORDER

This matter is before the Court upon Plaintiff's Second Motion *in Limine* (Doc. No. 25), filed February 18, 2019, Defendant's Response (Doc. No. 30), filed March 4, 2019, and Plaintiff's Reply (Doc. No. 32), filed March 8, 2019. Although Defendant's Fed. R. Civ. P. 30(b)(6) representative, Theodore Markham, was not model, Defendant accurately points out that it produced other information and an additional representative to testify about those topics about which Mr. Markham's testimony was lacking. Thus, Plaintiff was not prejudiced and was able to effectively depose Plaintiff's representatives and adequately prepare for trial. This is not a case where a party has "intentionally acted throughout the pre-trial process to hide the truth from [the opposing party] and from the court." *See Projects Mgmt. v. Dyncorp Int'l LLC*, 734 F.3d 366, 376 (4th Cir. 2013). Accordingly, the Court hereby **denies** Plaintiff's Motion with prejudice.

SO ORDERED.

Signed: October 9, 2019



Graham C. Mullen
United States District Judge

